## REMARKS

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

1. Claims 1-41, drawn to an isolated antibody that specifically binds to the AIM-[sic], classified protein of SEQ ID NO: 2, a hybridoma cell line producing said antibody, a composition and kit comprising said antibody, classified in Class 530, subclass 387.1, Class 424, subclass 130.1, Class 435, subclass 810.

2. Claim 41, drawn to a kit comprising a nucleic acid probe capable of hybridizing to AIM-I RNA, or a pair of nucleic acid primers capable of priming amplification of at least a portion of an AIM-I nucleic acid, classified in class 435, subclass 810; Class 536, subclass 24.3.

The Examiner contends that Groups 1 and 2 are patentably distinct from each other since they differ with respect to "their structure, physiochemical properties", and their modes of "function and effects." Office Action at page 2.

In response, Applicant hereby provisionally elects the invention of Group 1, claims 1-41, drawn to an isolated antibody that specifically binds to the AIM-I, classified protein of SEQ ID NO: 2, a hybridoma cell line producing said antibody, a composition and kit comprising said antibody, classified in Class 530, subclass 387.1, Class 424, subclass 130.1, Class 435, subclass 810, with traverse.

With respect to the division of the application into 2 groups of claims, Applicant respectfully traverses the restriction requirement. Specifically, Applicant requests a modification of the requirement so that Group 1 (claims 1-41) and Group 2 (claim 41) be combined, and examined together in the instant application. For the reasons which are detailed below, the subject matter of these claims merits examination in a single application.

Groups 1 and 2 are directed to anti-AIM-I antibodies, hybridoma cell lines, compositions and kits. Specifically, Group 1 relates to an isolated antibody that specifically binds to AIM-I, a hybridoma cell line producing said antibody, a composition and kit comprising said antibody, and Group 2 relates to a kit comprising a nucleic acid probe capable of hybridizing to AIM-I RNA, or a pair of nucleic acid primers capable of priming

amplification of at least a portion of an AIM-I nucleic acid.

In view of the common feature in Groups 1 and 2, namely AIM-I, Applicant submits that a search of the art relevant to one group, Group 1, would necessarily overlap and identify art relevant to the other group, Group 2.

Accordingly, Applicant submits that to search the subject matter to Groups 1 and 2 together would not be a serious burden on the Examiner. Even assuming *arguendo* that the two groups were to be considered distinct inventions, Applicant asserts that, pursuant to MPEP § 803, the subject matter of claims 1-41 can be examiner together in a single application without imposing a serious burden to the Examiner. The MPEP § 803 (8th edition, Revision 2, dated May 2004) states:

> If a search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to separate independent or distinct inventions.

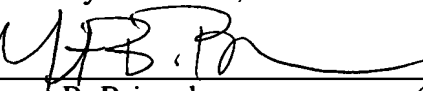
Moreover, Applicant respectfully points out that the subject matter of Groups 1 and 2 are in the same class and subclass, Class 435, subclass 810. Thus, in view of MPEP § 803, Groups 1 and 2 should be examiner together, since such examination would not be a "serious burden" on the Examiner.

Applicant respectfully requests the Examiner to place claims 1-41, in their entirety, within a single group.

Attorneys for Applicant retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Respectfully submitted,

Date: July 1, 2004



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